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When Divorced Parents Disagree on Health Care Decisions

A divorced mother brings her seven-year-old daughter for an office visit, stating she is the "custodial parent" and all medical decisions must go through her. The father later calls claiming his ex-wife lies and demands that the doctor gets **his** approval before rendering medical care.

What would you do in this situation?

When divorced parents disagree about the care of the child, the physician needs to clarify who can legally make the child's health care decisions. Start by asking for a copy of the **custody order**. If you need assistance deciphering the order, contact CAP's Hotline at 800-252-0555.

In California, there are two types of custody: legal and physical. **Legal custody** means a parent has the authority to make important decisions for the child, such as giving consent for medical care. Legal custody may be awarded to both parents (joint), or to one parent (sole).

Sole legal custody means one parent has the exclusive right to give consent for medical care. **Joint legal custody** means the parents share the right to make health care-related decisions for the child. This also means that either parent acting alone may consent to a medical procedure, unless the court order specifies consent of both parents is required for certain or all medical decisions.

Physical custody reflects where the child physically resides. Physical custody may be joint or sole and does not affect who has the legal right to consent to medical care.

As a general practice, you may tell the parents that either of them can give consent for routine treatment unless **you receive a court order showing one of the parents has sole legal custody**. If the parents continue to obstruct the child's care and refuse to cooperate with each other, you may have to withdraw as the child's physician.

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